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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,	)	No. CR-10-0244 EMC
)	
12 Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER CONTINUING STATUS
13 vs.	)	CONFERENCE AND EXCLUSION OF
	)	TIME
14)	
	)	Current Hearing Date: Dec. 21, 2011
15	)	Time: 2:30 p.m.
16 MICHAEL ANTHONY NELSON,	)	Judge: Hon. Edward M. Chen
)	
17 Defendant.	)	Proposed Hearing Date: Jan. 25, 2012
	)	Time: 2:30 p.m.
18	)	Judge: Hon. Edward M. Chen

19 The above-captioned case is on calendar for a status conference on December 21, 2011 at
20 2:30 p.m. The parties jointly request that the hearing be continued until January 25, 2012, at
21 2:30 p.m., and that the time between December 21, 2011 and January 25, 2012 be excluded from
22 the Speedy Trial clock as set forth below.

23 The parties appeared on October 26, 2011 before District Judge Edward M. Chen. Based
24 on the Ninth Circuit Clerk's Order, directing defendant to move for voluntary dismissal of his
25 appeal or to show cause why it should not be dismissed for lack of jurisdiction, the Court
26 scheduled a further status conference for December 21, 2011, at 2:30 pm. On November 8, 2011,

1 Mr. Nelson filed his *pro se* response to the Clerk's Order titled "Appellant Motion for Leave to
2 File Motion and/or Supplement to Show Cause and Motion for Leave to File a Petition for Writ
3 of Mandamus". The motion has not been ruled on by the Ninth Circuit Court of Appeals.
4 Defense counsel thus requests that the status conference be moved to January 25, 2012.
5 Defense counsel has contacted Assistant United States Attorney Michelle Kane and she has no
6 objection to the continuance.

7 Further, and in light of the foregoing, the parties stipulate and jointly request that
8 time be excluded from the Speedy Trial Act calculations from Wednesday, December 21, 2011
9 through Wednesday, January 25, 2012, for effective preparation of counsel. The parties agree
10 that the ends of justice served by granting such a continuance outweigh the best interests of the
11 public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv)..

12 **IT IS SO STIPULATED.**

13
14 December 19 , 2011
15 DATED

/s/
MICHELLE KANE
Assistant United States Attorney

16
17 December 19 , 2011
18 DATED

/s/
RONALD C. TYLER
Assistant Federal Public Defender
Counsel for Michael Anthony Nelson

1 **~~PROPOSED~~ ORDER**

2 For good cause shown, the status conference now scheduled for Wednesday, December
3 21, 2011 is vacated. The matter shall be added to the Court's calendar on Wednesday, January
4 25, 2012 at 2:30 p.m.

5 In addition, for the reasons stated above, the Court finds that an exclusion of time from
6 Wednesday, December 21, 2011 through Wednesday, January 25, 2012, is warranted and that
7 the ends of justice served by the continuance outweigh the best interests of the public and the
8 defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested
9 continuance would deny the defendant and defense counsel the reasonable time necessary for
10 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C.
11 §3161(h)(7)(A), (h)(7)(B)(iv).

12 **IT IS SO ORDERED.**

13
14 12/20/11

15 DATED _____

